

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SOVERAIN SOFTWARE LLC,)	
)	
Plaintiff,)	
)	
vs.)	
)	
CDW CORPORATION, NEWEGG)	Civil Action No. 6:07-CV-00511-LED
INC., REDCATS USA, INC.,)	
SYSTEMAX INC., ZAPPOS.COM,)	
INC., REDCATS USA, L.P., THE)	
SPORTSMAN’S GUIDE, INC., and)	
TIGERDIRECT, INC.,)	
)	
Defendants.)	
)	

**AGREED MOTION TO MODIFY PAGE LIMITS WITH RESPECT
TO SUMMARY JUDGMENT BRIEFING**

Defendant, Newegg, Inc. (“Newegg”), submits this Agreed Motion to Modify Page Limits with Respect to Summary Judgment Briefing and respectfully shows:

1. This patent case involves three patents and a substantial number of claims. Newegg has already filed a motion for summary judgment with respect to the ‘639 patent to which the Plaintiff, Soverain Software, LLC (“Soverain”), has responded and Newegg has filed a reply. (Docket # 221, 231, 236). Said motion is 30 pages long, excluding attachments. Newegg now wishes to file two additional motions for summary judgment, specifically:

- (1) motion for partial summary judgment of invalidity of the “shopping cart claims” in the ‘314 and ‘492 patents; and
- (2) motion for summary judgment of non-infringement as to the ‘639, ‘314, and ‘492 patents.

While each of the additional motions is less than 30 pages in length, collectively the three motions exceed the 60 page “overall cap” imposed by L.R. CV-7 by 11 pages.

2. Newegg has made every effort to be succinct and efficient with respect to the length of each motion, but believes that the additional pages are essential to adequately and properly present grounds for summary judgment disposition with respect to the three patents in this action.

3. Newegg and Soverain have conferred with respect to the subject matter of this motion and have agreed to request that the Court modify the overall page limits for summary judgment briefing in this case as follows:

- (1) Newegg’s summary judgment motions shall not exceed 71 pages collectively, excluding attachments;
- (2) Soverain’s responses to Newegg’s summary judgment motions shall not exceed 71 pages collectively, excluding attachments;
- (3) Newegg’s reply briefing to summary judgment motions shall not exceed 30 pages collectively, excluding attachments; and
- (4) Soverain’s surreply briefing to summary judgment motions shall not exceed 30 pages collectively, excluding attachments.

WHEREFORE, Defendant, Newegg, Inc., respectfully requests that the Court modify the page limits for summary judgment briefing in this case as set forth above. Newegg prays for such other and further relief as the Court deems just and fair.

Dated: September 28, 2009

By: /s/ David C. Hanson with permission
by Trey Yarbrough

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Certificate of Service

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on September 28, 2009. All other counsel of record will be served via facsimile or first class mail.

/s/ Trey Yarbrough
Trey Yarbrough